



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
APPLICANT: Smith, et al.

Group Art Unit: 3761

SERIAL NO.: 09/978,131

Examiner: Aaron J. Lewis

FILED: October 16, 2001

FOR: METHOD AND APPARATUS FOR TREATING BREATHING GASES

8/a  
B. Webb  
1/12/04

### RESPONSE

Mail Stop Fee Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
SIR:

This is a response to the June 27, 2003 Official Action in the above application.

In response to this official action, Applicant is filing a divisional CPA application. A copy of the CPA request is submitted herewith. The CPA proceeds with previously non-elected method claims 1-7.

Respectfully submitted,

ROBERT M. SKOLNIK

Reg. No. 24,688

Attorney for Applicant

353 Monmouth Road

P.O. Box 22

West Long Branch, N.J. 07764

(732) 222-1027

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Dec 24, 2003

### CERTIFICATE OF MAILING

I certify that all of these documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Dec 24 2003

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**PRELIMINARY AMENDMENT**

Mail Stop CPA  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

In connection with the filing of the instant application, cancel claims 8-12.

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2  
of this paper.

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JAN 07 2004  
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